



Kelly C. Hunsaker

Partner
Silicon Valley Managing Partner

Silicon Valley
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Kelly is managing partner of Winston’s Silicon Valley office with over 30 years’ experience leading complex patent and intellectual property cases involving a wide range of technologies and industries, particularly in high-tech fields. With extensive courtroom experience, a talent for the quick mastery of technical information, and compelling communication skills that work well with judges and juries alike, Kelly is an outstanding advocate for her clients and a highly regarded legal strategist. She has been recognized among *The Best Lawyers in America*[®] for patent litigation, by the *Silicon Valley Business Journal* as one of the most influential women in Silicon Valley, and among *The Recorder’s* “Women Leaders in Technology Law.”

Kelly has a national patent and IP litigation and trial practice. She is a fierce advocate for her clients and prides herself on providing outstanding, cost-effective client service resulting in optimal legal outcomes. Kelly has decades of experience interacting with executives, business groups, engineers, and legal departments from Fortune 50 companies to startups. She quickly digests and applies her knowledge of complex technical and scientific information and communicates it in simple, understandable ways. Whether preparing to take a complex case through

trial and appeal, positioning a case to make new law or clarify existing law, or pursuing an early settlement strategy or business resolution, Kelly is an excellent legal strategist who always considers her clients' business objectives when entrusted with their legal matters.

Kelly leads patent litigation involving a wide range of technologies and industries, especially in high-tech fields involving computer software and hardware, consumer electronics, and networking applications and technologies. Her experience in these fields includes patent cases involving various operating-system and application software, network security and encryption, financial technologies, digital-rights management (DRM), computer graphics, website development tools, database technologies, LCDs and displays, digital-media players, microprocessors, and mobile phones. Kelly has handled patent cases involving optical systems and laser technologies, mechanical devices, methods of manufacturing, material sciences, pharmaceuticals, and sporting goods. She has experience in other areas of commercial litigation, as well as trademark, trade secret, copyright, and technology-licensing disputes. Kelly's practice includes client counseling on patent and IP strategy, pre-suit investigations and due diligence, and proceedings before the Patent Trial and Appeal Board and International Trade Commission. She handles all aspects of litigation—trial, pretrial, posttrial, critical motions, and appellate proceedings.

Kelly is part of the firm's Artificial Intelligence (AI) Strategy Group and a frequent speaker on the intersection of Artificial Intelligence and IP, Patents and Blockchain, patent damages and other hot topics in patent law. She is also the Silicon Valley chair of Winston's Women's Leadership Initiative and part of the firm's WacoWatch group.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

Representative Patent Litigation

- Lead counsel for large multinational technology company in numerous patent litigation matters in Western District of Texas and Northern District of Texas involving cloud computing architecture, software defined networking, 802.11 and mobile devices.
- Lead counsel for leading network security corporation in patent infringement case in Southern District of New York and multi-district litigation in Eastern District of Texas involving nine patents directed to various aspects of network control, threat detection and risk assessments.
- Lead counsel for leading cloud computing and virtualization software company in three-patent case in Western District of Texas involving technology for accessing remote applications and desktops using remote display protocols.
- Led defense team for large multinational technology company in patent infringement case involving encryption technology in Central District of California, winning summary judgment of noninfringement and making the winning argument on appeal before the Federal Circuit.
- Represented venture-funded software startup in patent litigation in Northern District of California involving financial technology and software, winning summary judgment of noninfringement for defendant.
- Part of trial team that defended large multinational technology company in patent infringement suit in Eastern District of Texas involving audio player device.
- Led defense team for large multinational technology company in patent litigation filed against 22 defendants in Eastern District of Texas involving database technology.
- Defended large multinational technology company in patent infringement suit in Northern District of California involving education software. Won summary judgment of invalidity on Section 101 grounds.
- Part of trial team that defended large multinational technology company in patent infringement case in Southern District of California involving multimedia, video, and audio compression and UI software.

- Defended large multinational technology company in patent infringement suit in Northern District of California involving DRM and antipiracy software. Plaintiff dismissed suit voluntarily after one patent was declared invalid.
- Part of trial team that defended two large multinational technology companies in patent infringement jury trial in the Southern District of California involving multimedia, video, and audio compression.
- Defended large multinational technology company in multi-defendant patent case in Western District of Tennessee involving targeted Internet advertising. Case dismissed after successful *inter partes* review invalidating the patent in suit.
- Represented large multinational technology company in patent case filed in District of Delaware involving microprocessor technology.
- Led defense team for large multinational technology company in four-patent litigation in Northern District of California involving operating-system and device driver technology.
- Defended privately held software startup in patent litigation in Northern District of California involving computer network security software and systems.
- Represented large multinational technology company in patent infringement case filed in Eastern District of Texas involving optical systems and LCD technology.
- Represented large multinational technology company in multi-defendant 17-patent infringement case filed in Eastern District of Texas involving microprocessor technology.
- Defended large multinational technology company in patent infringement suit in Northern District of California involving data communication technology.
- Represented large computer software company in patent infringement case in the District of Delaware involving product activation software.
- Represented large multinational technology company in patent infringement suit in Western District of Washington involving code server technology.
- Represented large multinational technology company in patent infringement suit in Northern District of California involving client–server communication protocols.
- Defended large multinational technology company in patent infringement suit in Eastern District of Texas involving software activation technology.
- Defended large global software company in patent litigation in District of Delaware involving website creation software.
- Defended large global software company in patent litigation in District of Delaware involving computer graphics and photo-editing software.
- Represented large telecommunications company in patent litigation in District of Delaware involving email-routing software.
- Defended manufacturer of protective devices and equipment in patent litigation involving industrial safety equipment for firefighters.
- Represented large multinational media company in multi-patent ITC proceedings involving interactive programming guides.
- Defended sporting-goods company in patent litigation in District of Delaware involving snowboard equipment.
- Represented privately held laser-design-and-manufacture plaintiff in patent litigation in Northern District of California involving laser alignment device.

Representative Trademark, Trade Secret, and Copyright Litigation

- Represented pre-IPO B2B software company defendant in trade secret case filed in California state court involving procurement software platform.

- Represented plaintiff software company in Internet domain name and trademark dispute.
- Represented defendant electronics company in trade secret, unfair-competition, and copyright dispute.

Representative Commercial Litigation

- Led case for privately held plaintiff manufacturing company in technology-licensing dispute involving athletic footwear and patented process for manufacturing thermoplastic elastomeric honeycomb, recovering US\$18.75M in damages in binding arbitration trial.
- Represented defendant in US\$15M breach-of-contract case involving aviation insurance policy claim for aircraft crash. Won summary judgment for defendant.
- Represented defendant insurer in breach-of-contract and insurance-bad-faith case. Tried four-week jury trial with successful outcome for defendant.
- Represented defendant insurer in breach-of-contract and insurance-bad-faith case. Argued appeal before Nevada Supreme Court and successfully obtained reversal of multimillion-dollar punitive-damages award.

Recognitions

- Named “one of the most influential women in Silicon Valley” by the *Silicon Valley Business Journal* (2023)
 - *IAM Patent 1000* (2022–2023)
 - *The Best Lawyers in America*® for Litigation - Intellectual Property and Litigation - Patent (2024)
 - The Lawdragon 500 Leading Litigators in America for IP, especially patent (2023)
 - *The Best Lawyers in America*® (2014–2015)
 - *The Recorder's* “Women Leaders in Technology Law” (2013)
 - California “Super Lawyer” in IP Litigation (2005–2013)
 - *San Francisco Magazine's* “Top Attorneys in Northern California” (2012)
 - *California Daily Journal's* “Top 75 Women Litigators” (2007, 2009)
 - *Lawdragon's* “Top 500 New Stars” (2005)
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Activities

- Federal Circuit Bar Association
 - Board of Trustees, American Intellectual Property Legal Education Foundation (AIPLEF) (2004–2006)
 - California Bar Association, Intellectual Property and Litigation Sections
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“ Kelly Hunsaker is a highly intelligent, skilled litigator with a deep knowledge of the law. ”

IAM Patent 1000 client testimonial

Credentials

EDUCATION

Kelly received her J.D. from the University of California, Hastings College of the Law, in 1993. She was a judicial extern to the Honorable Carl West Anderson in the First Appellate District of the California Court of Appeal. She received her BBA from the University of Texas at Austin, McCombs School of Business, in 1990.

ADMISSIONS

- California

Related Insights & News

Kelly is a frequent speaker on patent litigation, patent damages and hot topics in patent law.

Most recently, Kelly presented on a four-part webinar series on “Decoding AI Law” on January 24, 2024, and on the “Emerging Antitrust and IP Challenges in the Age of Artificial Intelligence & Algorithms” CLE hosted by Mondaq on December 5, 2023.

Other engagements include:

- Berkeley-Stanford Advanced Patent Law Institute, “Trends in Willfulness: Impact on Liability Determinations and Damages Determinations,” Speaker, December 2023
- Berkeley-Stanford Advanced Patent Law Institute, “Litigation and Speaking Roles: PTAB & District Court Practices,” Speaker, December 2023
- Around the Block(chain) CLE Series, “Patents and Blockchain: Past, Present & Future,” Presenter, April 2022
- ChIPs Global Summit, “Crypto Basics: From DeFi to Web3 to Smart Contracts—What Lawyers Should Know About this Technology Today,” Speaker, October 2022

BLOG

Judge Prost Reverses and Remands Judge Albright Dismissal, Finding Constitutional Standing For Patentee Despite Patent Security Agreement Default

MAY 8, 2024

BLOG

Judge Albright Issues a New Order Governing Proceedings

JANUARY 31, 2024

WEBINAR

Decoding AI Law

JANUARY 24, 2024

BLOG

Federal Circuit Reverses VLSI \$2.2B Judgment With Rulings on Damages and DOE

DECEMBER 6, 2023

WEBINAR

Emerging Antitrust and IP Challenges in the Age of Artificial Intelligence and Algorithms

DECEMBER 5, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024 *Lawdragon* 500 Leading Litigators in America

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

BLOG

Judge Albright Grants Defendant Apple's Motion To Transfer Venue To the Northern District of California

JULY 5, 2023

RECOGNITIONS

Winston Recognized in 2023 *IAM Patent 1000* Rankings

JUNE 26, 2023

BLOG

Judge Pitman Finds Claims Not Abstract in Denial of 12(b)(6) Motion to Dismiss

JUNE 21, 2023

RECOGNITIONS

Kelly Hunsaker Named 2023 Woman of Influence by *Silicon Valley Business Journal*

MAY 25, 2023

NEWS

2022 Pro Bono Impact Report

MAY 1, 2023

Capabilities

Patent Litigation

Intellectual Property

Trade Secrets, Non Competes & Restrictive Covenants

Trademark Litigation, Prosecution & Brand Protection

Copyright-Infringement Litigation

ITC – Section 337

Commercial Litigation & Disputes

IP Licensing & Due Diligence

Appellate & Critical Motions

Technology, Media & Telecommunications

Financial Services

Energy

Medical Devices

Cryptocurrencies, Digital Assets & Blockchain Technology

Artificial Intelligence (AI)